



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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June 3, 2014

Daniel M. Laub, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **DOCKET NO. 442** – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 284 New Canaan Avenue, Norwalk, Connecticut.

Dear Attorneys Laub and Fisher:

By its Decision and Order dated May 29, 2014, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a telecommunications facility located at 284 New Canaan Avenue, Norwalk, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

Melanie A. Bachman
Acting Executive Director

MAB/cm

Enclosures (4)

c: Parties and Intervenors (without Certificate enclosure)
State Documents Librarian (without Certificate enclosure)

STATE OF CONNECTICUT)

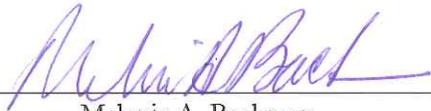
ss. New Britain, Connecticut :

June 4, 2014

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

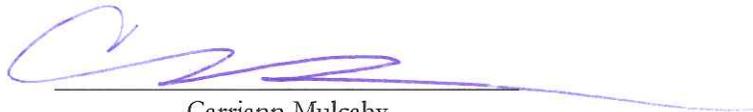
ATTEST:



Melanie A. Bachman
Acting Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 444 has been forwarded by Certified First Class Return Receipt Requested mail, on June 3, 2014, to all parties and intervenors of record as listed on the attached service list, dated November 4, 2013.

ATTEST:



Carriann Mulcahy
Secretary II
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-Mail	New Cingular Wireless PCS, LLC	Daniel M. Laub, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067-3900 michele.g.briggs@cingular.com
Intervenor <i>(granted on November 14, 2013)</i>	<input checked="" type="checkbox"/> E-Mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 kbaldwin@rc.com 860-275-8200

<p>DOCKET NO. 442 – New Cingular Wireless PCS, LLC } application for a Certificate of Environmental Compatibility } and Public Need for the construction, maintenance, and } operation of a telecommunications facility located at 284 New } Canaan Avenue, Norwalk, Connecticut. }</p>	<p>Connecticut Siting Council May 29, 2014</p>
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Findings of Fact

Introduction

1. New Cingular Wireless PCS, LLC (AT&T), in accordance with provisions of Connecticut General Statutes (C.G.S.) § 16-50g, et seq., applied to the Connecticut Siting Council (Council) on September 23, 2013 for the construction, maintenance, and operation of a wireless telecommunications facility consisting of two 140-foot towers at 284 New Canaan Avenue, Norwalk, Connecticut (refer to Figure 1). (AT&T 1, pp. 1-3)
2. During a meeting held on October 17, 2013, the Council approved a schedule for this application and deemed the application complete. (Connecticut Siting Council Meeting Minutes, October 17, 2013)
3. AT&T is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut. The company's member corporation is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system. The company does not conduct any business in the State of Connecticut other than the provision of wireless services under FCC rules and regulations. (AT&T 1, p. 4)
4. The party in this proceeding is AT&T. Cellco Partnership d/b/a Verizon Wireless (Cellco) is an intervenor. (Record)
5. The purpose of the proposed facility is to provide reliable wireless telecommunications services for AT&T and Cellco in the Route 15 (Merritt Parkway) area of Norwalk and Route 123 (Norwalk Road) area in New Canaan. (AT&T 1, p. 1, Tab 1; Cellco 2, response 1)
6. Pursuant to C.G.S. § 16-50l (b), public notice of the application filing to the Council was published in the New Canaan Advertiser on August 22 and 29, 2013 and in The Hour on August 23 and 30, 2013. (AT&T 2; AT&T 3)
7. Pursuant to C.G.S. § 16-50l(b), notice of the application filing was provided to all abutting property owners by certified mail. Mail return receipts were not received for four abutters. Notice was sent by first class mail to these abutters on October 3, 2013. (AT&T 4, response 1)
8. Pursuant to C.G.S. § 16-50l (b), AT&T provided notice to all Federal, State and local officials and agencies listed therein, including representatives from the Town of New Canaan, which is located within 2,500 feet. (AT&T 1, p. 5)
9. Pursuant to C.G.S. § 16-50j-21, AT&T installed a four-foot by six-foot sign near the entrance driveway to the site property on December 3, 2013. The sign included the Applicant's name, type of facility proposed, the date and location of the Council's public hearing, and contact information for the Applicant and the Council. (AT&T 6)

10. Pursuant to C.G.S. § 16-50m, the Council, after giving due notice thereof, held a public hearing on December 19, 2013, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Norwalk City Hall, 125 East Avenue, Norwalk, Connecticut. (Council's Hearing Notice dated October 18, 2013)
11. The Council and its staff conducted an inspection of the proposed site on December 19, 2013, beginning at 2:00 p.m. During the field inspection, AT&T flew two four-foot diameter balloons at the site to simulate the height of the two towers. The weather was windy at times, so a few balloons were lost and replaced, and the balloon strings were angled for most of the time. (Transcript 1, December 19, 2013- 3:00 p.m. [Tr. 1], p. 12)
12. During a meeting held on January 23, 2014, the Council, on its own motion, reopened the evidentiary record for this docket to obtain more information from the State Historic Preservation Office (SHPO). (Connecticut Siting Council, Meeting Minutes, January 23, 2014)
13. On February 10, 2014, Chairman Robert Stein and Acting Executive Director/Staff Attorney Melanie Bachman met with Daniel Forrest, Director of Acts & Historic Preservation and Todd Levine, Environmental Analyst of the SHPO. Matters discussed during the meeting included:
 - a. compliance with Section 106 of the National Historic Preservation Act (Section 106 Process);
 - b. the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission;
 - c. Council State agency comment solicitation pursuant to C.G.S. §16-50j(h);
 - d. consistency of SHPO and Council conditions regarding no adverse effect and approval regarding decommissioning of facilities;
 - e. an updated SHPO review for Docket No. 442; and
 - f. the two-year validity of SHPO's determination letters pursuant to the Section 106 Process.(Record – Council Memo to Parties and Intervenors dated February 11, 2014)
14. On February 12, 2014, AT&T submitted a letter to the SHPO seeking to ascertain if a 130-foot monopole tower with external antennas on low-profile platforms that are painted brown would be consistent with Condition No. 1 of the No Adverse Effect letter issued by SHPO on April 7, 2010. (Record – Correspondence from Attorney Christopher Fisher to Mr. Daniel Forrest dated February 12, 2014)
15. On March 20, 2014, the SHPO and AT&T met to discuss the project. Various forms of the facility were discussed, including the proposed two-tower facility with each tower having a top diameter of 48 inches, plus or minus a few inches. After the meeting, SHPO issued a letter to AT&T dated March 27, 2014 stating that SHPO prefers two 140-foot monopoles with internal mounted antennas rather than a single monopole with any exterior antenna configuration. SHPO's position is that any exterior mounted antennas would have a greater visual mass and would be more destructive to the historic character of the Merritt Parkway. (AT&T Administrative Notice Item No. 1; Tr. 3, pp. 179-181)
16. A public hearing for the reopened proceeding was held on April 15, 2014 at 10 Franklin Square in New Britain, beginning at 1:05 p.m. (Transcript 3 – 1:05 p.m. [Tr. 3], p. 145)

State Agency Comment to Council

17. Pursuant to C.G.S. § 16-50j (h), on October 18, 2013 and December 23, 2013, the following State agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health; Council on Environmental Quality; Public Utilities Regulatory Authority (PURA); Office of Policy and Management; Department of Economic and Community Development; Department of Agriculture; Department of Transportation (DOT); and Department of Emergency Services and Public Protection. (Record)
18. The DOT responded with a "no comment" letter. No other agencies responded to the Council's solicitation. (Record)

Municipal Consultation

19. On September 4, 2003, AT&T met with the City of Norwalk Planning Commission regarding a telecommunications facility at the site. On October 23, 2003, The City sent a letter to AT&T requesting further information. (AT&T 1, Tab 7)
20. AT&T placed the project on hold in 2004 due to a potential merger and the reallocation of funds for existing network upgrades. (AT&T 5)
21. AT&T reactivated the project in 2010 and the National Environmental Policy Act (NEPA) review process resumed. (AT&T 5)
22. A technical report for the proposed site was submitted to the City on July 29, 2011. (AT&T 1, Tab 7)
23. At the request of Norwalk Mayor Richard Moccia, AT&T met with Norwalk Director of Planning, Michael Greene and Senior Planner Dorothy Wilson on August 11, 2011 to review the project. (AT&T 1, p. 22)
24. AT&T submitted a technical report to the Town of New Canaan on July 15, 2011 as the Town is within 2,500 feet of the project site. (AT&T 1, p. 21)
25. AT&T met with the New Canaan Town Administrator on August 9, 2011. AT&T attended a New Canaan Town Council meeting on September 21, 2011 and answered questions regarding the proposal. (AT&T 1, Tab 7)
26. After the technical filing, the Town of New Canaan conducted a non-scientific poll of residents regarding the need for wireless coverage. A majority of respondents indicated a need for infrastructure to provide service. (AT&T 1, p. 22, Tab 7; Tr. 1, pp. 55-57)

Public Need for Service

27. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 4)

28. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. AT&T is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service throughout the State. (Council Administrative Notice Item No. 4; AT&T 1, p. 9)
29. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 4)
30. The Telecommunications Act of 1996 prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects, which include human health effects, of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 4)
31. Pursuant to the tower sharing policy of the State of Connecticut under C.G.S. §16-50aa, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (Conn. Gen. Stat. §16-50aa)

Public Safety

32. The Wireless Communications and Public Safety Act of 1999 (911 Act) was enacted by Congress to promote and enhance public safety by making 9-1-1 the universal emergency assistance number, by furthering deployment of wireless 9-1-1 capabilities, and by encouraging construction and operation of seamless ubiquitous and reliable networks for wireless services. Approximately 70 percent of 9-1-1 calls are made with a wireless device. (Council Administrative Notice Item No. 6; AT&T 1, p. 8)
33. Pursuant to the Warning, Alert and Response Network Act of 2006, the FCC has established a Personal Localized Alerting Network (PLAN) that requires wireless communication providers to issue text message alerts from federal bodies including the President of the United States. PLAN would allow the public to receive e-mails and text messages on mobile devices based on geographic location. The proposed facility would also enable the public to receive e-mails and text messages. (Council Administrative Notice Item No. 6)
34. Following the enactment of the 911 Act, the FCC mandated wireless carriers to provide enhanced 911 services (E911) to allow public safety dispatchers to determine a wireless caller's geographical location within several hundred feet. The proposed facility would become a component of AT&T's E911 network in this part of the state. (Council Administrative Notice Item No. 6; AT&T 1, p. 10)
35. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. The Department of Homeland Security, in collaboration with other Federal stakeholders, State, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan to establish a framework for securing our resources and maintaining their resilience from all hazards during an event or emergency. (Council Administrative Notice Item No. 11)

36. In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies. (AT&T 1, p. 11)
37. AT&T's proposed towers would be designed in accordance with the specifications of the American National Standards Institute EIA/TIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures" and the 2003 International Building Code with 2005 Connecticut Amendment. (AT&T 1, Tab 3)
38. The proposed equipment compound would be enclosed by an eight-foot high chain link fence. (AT&T 1, p.13)
39. The tower setback radius would extend onto a separate State of Connecticut property, located 138 feet to the east. (AT&T 1, Tab 3)

Existing and Proposed Wireless Coverage – AT&T

40. AT&T proposes to install 850 MHz (cellular), 1900 MHz (PCS), and 700 MHz (Long Term Evolution - LTE) wireless services at the proposed site. (AT&T 1, Tab 1)
41. AT&T designed this facility to meet a signal level threshold of -82 dBm for in-vehicle coverage and -74 dBm for in-building coverage. (AT&T 1, Tab 1 pp. 3, 5)
42. AT&T's existing signal strength in the proposed service area ranges from less than -100 dBm to -82 dBm. (AT&T 2, response 8)
43. AT&T has identified an in-building coverage gap of 1.6 square miles in the Merritt Parkway/Route 123 area of Norwalk and New Canaan. (AT&T 1, Tab 1 p. 5)
44. Approximately 3.8 miles of roadway experience deficient coverage, including the Merritt Parkway, Route 123 and secondary roads serving residential areas. (AT&T 1, Tab 1 p. 1)
45. Adjacent AT&T sites include facilities at 135 Main Street, New Canaan; 671 South Avenue, New Canaan; Will Russ Court, New Canaan; 6 Shirley Street, Norwalk; 177 West Rock Road, Norwalk; and 479 Main Street, Norwalk. These sites cannot adequately serve the area (refer to Figure 2). (AT&T 1, Tab 1)
46. The proposed site would provide adequate coverage and additional capacity to the proposed service area (refer to Figure 3). Minor in-building coverage gaps would remain in the Douglas Drive area south of the site and in the Cedar Lane area north of the site. Different AT&T search rings have been established for the larger coverage gaps east and west of the proposed site. (AT&T 1, Tab 1 p. 11)

47. Providing coverage via a distributed antenna system (DAS), repeater, or microcell is not practical given the limited service area for each of these systems. These systems are employed for limited, targeted areas such as within buildings, highway underpasses or in urban environments. Although a DAS was approved by the Council in 2007 to provide coverage to the Merritt Parkway, the DAS was never constructed or proposed for use by AT&T. (AT&T 1, p. 11; Council Administrative Notice Item No. 26)

Existing and Proposed Wireless Coverage – Cellco

48. Cellco seeks to provide LTE and 2100 MHz Advanced Wireless Services (AWS) from the proposed site. (Cellco 2, response 1)
49. Cellco designs its system utilizing a signal level threshold of -85 dBm for in-vehicle coverage and -75 dBm for in-building coverage. (Cellco 2, response 2)
50. Cellco's existing signal levels within the proposed service area range from -86 dBm to less than -100 dBm. (Cellco 2, response 1)
51. Cellco's LTE service coverage gaps generally occur north of the proposed site (refer to Figure 4). AWS service gaps occur mainly around the proposed site. (Cellco 2, response 7 attachment 2)
52. The proposed site would provide Cellco with adequate coverage to the proposed service area with 12.5 square miles of LTE coverage and 6.1 square miles of AWS coverage. (Cellco 2, response 1)

Site Selection

53. AT&T began its search for a site to serve its coverage needs in the Merritt Parkway – Route 123 area in 1999. (AT&T 5)
54. AT&T identified an existing water tank on Flower Lane in Norwalk as a suitable telecommunications site. Upon consultation with the City, the water tank site was abandoned due to public opposition and zoning regulations prohibiting the use of the water tank as a wireless facility. (AT&T 5)
55. After rejecting the water tank site, the City suggested that AT&T investigate the state-owned National Guard Armory as an alternative. AT&T determined the Armory site was viable and began a leasing effort that extended into 2003. A 50-foot by 80-foot lease area was secured and the proposed site was reviewed through the NEPA process. (AT&T 5)
56. Two other sites were investigated but rejected as follows:
- a) Norwalk Transfer Station, 394 Main Street, New Canaan, - site did not meet coverage objectives, and;
 - b) 217 New Canaan Avenue, Norwalk – landlocked property along Merritt Parkway does not have access.
- (AT&T 1, Tab 2)
57. During the period from 2010 to 2013, AT&T negotiated and completed the lease approval process with the State Office of Policy and Management, State Property Review Board, Office of the Attorney General, State Military Department, and the Department of Public Works. (AT&T 5)

Facility Description

58. The proposed facility would be located on an 11.5-acre parcel developed as the Connecticut National Guard Armory at 284 New Canaan Avenue in Norwalk. The property consists of several buildings along the south side of the property and a parking lot, wetlands, and woodland on the north side of the property. (AT&T 1, p. 13, Tab 3)
59. The proposed telecommunications facility would be located in a lawn area adjacent to the northerly edge of the parking lot (refer to Figure 6). (AT&T 1, Tab 3)
60. The property is zoned residential. (AT&T 1, Tab 3)
61. Land use within a quarter-mile of the site consists of residences, a natural gas pipeline, a religious institution, the Merritt Parkway and an associated commuter parking lot. (AT&T 1, Tab 3)
62. There are 36 residences within 1,000 feet of the tower site. (AT&T 1, Tab 3)
63. The nearest residence to the tower site is approximately 454 feet to the west at 178 Pocconock Trail, New Canaan. (AT&T 1, Tab 3)
64. The nearest property line to the proposed site is approximately 138 feet to the east (State of Connecticut). (AT&T 1, Tab 3)
65. There are no schools or licensed day-care facilities within 250 feet of the proposed site. The nearest school is Silvermine Elementary located approximately 1.2 miles northeast of the site. The nearest licensed daycare facility is located approximately 0.24 miles south of the site. (AT&T 4, response 4)
66. The AT&T facility would consist of two 140-foot monopoles approximately 60 feet apart. Antennas would be contained within the towers, behind an RF transparent casing (refer to Figure 7). (AT&T 1, Tab 3)
67. Each monopole would be designed to accommodate panel antennas at five tower levels (at 137, 127, 117, 107, and 97 feet above ground level). Each monopole level has the capability of accommodating three panel antennas. (AT&T 1, Tab 3)
68. AT&T would install three panel antennas each at the 137-foot and 127-foot levels of the west monopole. AT&T would also utilize the 117-foot level for tower-mounted amplifiers, leaving two additional tower levels for future co-location (at 107 and 97 feet). If the site were designed as a traditional monopole with platform antennas, AT&T would require an antenna height of 127 feet above ground level. (AT&T 1, Tab 3; AT&T 4, response 12; Tr. 3, pp. 150-153)
69. Cellco proposes to install three panel antennas each at the 117-foot and 107-foot levels of the east monopole. Depending on the diameter of the monopole, Cellco may need the 97-foot level of the monopole to accommodate other equipment. The 137 and 127-foot levels of the tower would be available for another carrier. (Cellco 2, response 3; Cellco 3, response 1)
70. The preliminary diameter of the monopoles measures 52 inches at the base and 48 inches at the top. This diameter would be able to accommodate AT&T's antennas and tower mounted amplifiers. (AT&T 1, Tab 3; Tr. 3, pp. 150-153)

71. Cellco requires a minimum tower diameter of 42 inches at the antenna mounting level for their antennas. A tower diameter of 47 inches would allow Cellco to fit their antennas and remote radio units (RRU) at the same tower level. An additional tower level (total of three) would be required to fit their cable distribution box on the tower. A tower diameter of 56 inches would allow Cellco to fit their antennas, RRUs and cable distribution box on one tower level, thus requiring only two tower levels rather than three. (Cellco 2, response 4; Tr. 1, pp. 15-16, 75-78; Cellco 3, response 1)
72. If the site were restricted to a diameter less than 47-inches so that Cellco could not install the RRU's, Cellco would still locate at the facility. Although the site would operate at a reduced performance level, it would still provide necessary coverage to the area. (Tr. 3, pp. 199-203)
73. The monopole configuration necessitates greater antenna height and hinders future technological upgrades and opportunities for co-location. (AT&T 4, response 11)
74. No local public safety entities expressed interest in locating at the site. The top, flat surface of the monopole would be able to accommodate whip antennas of the sort commonly used for public safety communications. (Tr. 1, pp. 22, 41)
75. The site would include a 50-foot by 80-foot compound. AT&T and Cellco would install equipment shelters within the compound. (AT&T 1, Tab 3)
76. Utility service to the compound would be installed overhead from New Canaan Avenue using five new wood poles along the edge of the property driveway. The utility line would transition to underground approximately 100 feet from the compound. (Tr. 1, pp. 20-21)
77. Site construction is anticipated to take six weeks. Once completed, radio frequency testing and integration would take another two weeks. AT&T's estimated construction cost of the two monopole facility is \$725,000, not including Cellco's equipment. (AT&T 1, pp. 22-23)

Backup Power

78. In response to two significant storm events in 2011, Governor Malloy formed a Two Storm Panel (Panel) that was charged with an objective review and evaluation of Connecticut's approach to the prevention, planning and mitigation of impacts associated with emergencies and natural disasters that can reasonably be anticipated to impact the state. In its review, the Panel found the following:
 - a. "Wireless telecommunications service providers were not prepared to serve residential and business customers during a power outage. Certain companies had limited backup generator capacity;" and
 - b. "The failure of a large portion of Connecticut's telecommunications system during the two storms is a life safety issue."
(Council Administrative Notice Item No. 40)
79. The Panel made the following recommendations:
 - a. "State regulatory bodies should review telecommunications services currently in place to verify that the vendors have sufficient generator and backhaul capacity to meet the emergency needs of consumers and businesses;" and
 - b. The Connecticut Siting Council should require continuity of service plans for any cellular tower to be erected. In addition, where possible, the Siting Council should issue clear and uniform standards for issues including, but not limited to, generators, battery backups, backhaul capacity, and response times for existing cellular towers."
(Council Administrative Notice Item No. 40)

80. In response to the findings and recommendations of the Panel, Public Act 12-148, An Act Enhancing Emergency Preparedness and Response, codified at C.G.S. §16-50II, required the Council, in consultation and coordination with the Department of Energy and Environmental Protection, the Department of Emergency Services and Public Protection and the Public Utilities Regulatory Authority (PURA), to study the feasibility of requiring backup power for telecommunications towers and antennas as the reliability of such telecommunications service is considered to be in the public interest and necessary for the public health and safety. The study was completed on January 24, 2013. (Council Administrative Notice Item No. 22)
81. The Council's study included consideration of the following matters:
- a. Federal, State and local jurisdictional issues of such backup power requirements, including, but not limited to, siting issues;
 - b. Similar laws or initiatives in other states;
 - c. The technical and legal feasibility of such backup power requirements;
 - d. The environmental issues concerning such backup power; and
 - e. Any other issue concerning backup power that PURA deems relevant to such study.
(Council Administrative Notice Item No. 22)
82. The Council reached the following conclusions in the study:
- a. "Sharing a backup source is feasible for CMRS providers, within certain limits. Going forward, the Council will explore this option in applications for new tower facilities;" and
 - b. "The Council will continue to urge reassessment and implementation of new technologies to improve network operations overall, including improvements in backup power."
(Council Administrative Notice Item No. 22)
83. For backup power, AT&T would utilize a 50 kW diesel generator located adjacent to its shelter. The typical run time of the generator before it requires refueling is 48 hours, assuming full load. Cellco would install a diesel generator within its shelter that can run for 4 days before refueling, assuming normal operating conditions. A battery would also be installed to provide power between the time power is lost and the diesel generator can start. (AT&T 4, response 2; Cellco 2, response 9, Tr. 1, pp. 94-95)
84. The lease agreement between the Connecticut National Guard (Licensor) and the applicant (Licensee) contains an Emergency Generator Rider that grants Licensee the right to install a 50-kilowatt supplemental generator to provide emergency additional electrical capacity to the equipment during the license term. Licensee's right to install the generator is subject to the Licensor's approval. Licensor has the right to require a reasonably acceptable enclosure to hide or disguise the existence of the generator and to minimize any adverse effect that the installation of the generator may have on the appearance of the premises. Licensor also has the right to approve, in its reasonable discretion, work plans for improvements or alterations with respect to any generator. (AT&T 9)
85. According to the Regulations of Connecticut State Agencies (RCSA) §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, are exempt from the State Noise Control Regulations. (R.C.S.A. §22a-69-1.8)

Historic Resource Concerns

86. The proposed site is adjacent to the Merritt Parkway, designated as a National Scenic Byway and listed on the National Register of Historic Places. As part of the FCC-mandated NEPA review, site plans were submitted to the SHPO for comment. On December 30, 2003, SHPO found the then-proposed 150-foot monopole at the site would have an adverse visual effect on the Merritt Parkway. (AT&T 4, response 13; AT&T 5; Correspondence from Attorney Christopher Fisher to Executive Director Melanie Bachman, dated January 27, 2014)
87. The SHPO's main concern was concealing antennas from view. A tower with flush-mounted external antennas was discussed during the consultation process, but was ultimately rejected by SHPO. (Tr. 1, pp. 17, 18, 82-83)
88. Based on SHPO's comments, AT&T redesigned the facility to consist of two monopoles. SHPO reviewed the project site in the field, including viewing a balloon float, and reviewed similar two-monopole designs that were constructed elsewhere. The SHPO issued a no adverse effect letter for the proposed design on April 7, 2010. (AT&T 1, Tab 6; Tr. 1, pp. 17-18)
89. The Merritt Parkway Conservancy did not comment on the proposal, although there was correspondence between the Merritt Parkway Conservancy and SHPO as part of the SHPO consultation. (Tr. 1, p.69)
90. Any changes to the design of the facility would have to undergo additional review by SHPO. (Tr. 1, pp. 21-27; Council Administrative Notice No. 8)
91. The SHPO did not comment on the diameter of the proposed towers in their March 27, 2014 correspondence. AT&T believes an increase of the monopole diameter by several inches, perhaps up to 56 inches, would not trigger an additional review by SHPO as the antennas are still concealed within the pole. Once the final diameters of the monopoles are selected, AT&T would notify SHPO. (Tr. 3, pp. 163-166, 179-181)

Environmental Considerations

92. A review of the DEEP Natural Diversity Database indicates there are no records of state or federal endangered, threatened, or species of special concern in the project area. (AT&T 10)
93. No trees would be removed to develop the site. A few trees would be trimmed at the south edge of the woodland adjacent to the site. Any trees identified as sick or diseased along this woodland edge would be removed. (Tr. 1, p. 14)
94. Wetlands have been delineated north, east and west of the proposed compound. Once developed, the compound fence would be 52 feet from the western wetland, 54 feet from the east wetland and over 70 feet from the northern wetland boundary. The delineated wetland edges are part of a forested swamp that encompasses the non-developed north, east and west portions of the property. A significant portion of the wetland edge was disturbed by previous site activities. (AT&T 1, Tab 3, Sheets S3 & S4, Tab 4 wetland report)

95. Based on similar projects, an area approximately ten feet beyond the proposed compound location is expected to be disturbed during construction of the site. In this case, temporary construction activities would occur within the City of Norwalk's 50-foot wetland buffer. The City Conservation Commission and the Planning and Zoning Commission received copies of the application with site plans. No comments were received from the City in regards to wetlands. (AT&T 1, Tab 3, Tab 7; Tr. 1, pp. 32-38)
96. AT&T would examine the possibility of shifting the compound or reorienting it to increase the buffer to the adjacent wetlands as their lease agreement allows for compound/lease area realignment within a specific area along the north edge of the parking lot. (AT&T 1, Tab 3 Sheet S3; Tr. 1, pp. 44-46)
97. Erosion and sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended, and other best management practices would be established and maintained during construction. (AT&T 1, Tab 3)
98. The proposed site is not located within a FEMA designated 100-year or 500-year flood zone. (AT&T 1, pp. 18-19; AT&T 4, response 14)
99. Aircraft hazard obstruction marking or lighting of the tower would not be required. (AT&T 1, Tab 4)
100. The nearest Important Bird Area, a National Audubon Society designation that recognizes unique habitats that stand out from the surrounding landscape and typically support vulnerable or special concern species, is approximately six miles southwest of the proposed site in Stamford. (AT&T 4, response 5)
101. The design of the proposed tower would comply with recommended guidelines of the United States Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species. The guidelines recommend that towers be less than 199 feet tall, avoid the use of aviation lighting, and avoid guy-wires as tower supports. (AT&T 4, response 5)
102. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of the proposed AT&T and Cellco antennas is calculated to be 19.8 percent of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed facility. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the facility and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the facility, thus resulting in significantly lower power density levels in areas around the base of the facility. (AT&T 1, Tab 4; Cellco 2, response 11)

Visibility

103. The proposed facility would be visible year-round above the tree canopy from approximately 7.6 acres within a two-mile radius of the proposed site (refer to Figure 8). Most of this visibility is from spot areas within a quarter-mile of the site. The average tree canopy in the study area was determined to be 65 feet in height. (AT&T 1, Tab 5 p. 2, Attachment B)

104. Visibility of the proposed facility from specific locations within a two-mile radius of the site is as follows:

Specific Location	Photo location on Map*	Approx. Portion of Facility Visible	Approx. Distance (miles)/ Direction from Tower
Merritt Parkway south of Exit 38	1+	west tower visible 90 feet east tower not visible	0.25/south
New Canaan Way, adjacent to #7	2+	west tower visible 50 feet east tower visible 25 feet	0.3/southeast
New Canaan Avenue, adjacent to #275	3	west tower visible 40 feet east tower not visible	0.2/southeast
New Canaan Avenue, commuter lot across from host property	4	west tower visible 90 feet east tower visible 65 feet	0.17/south
New Canaan Avenue, at host property access drive	5+	west tower visible 130 feet east tower visible 75 feet	0.18/south
Carter Street, adjacent to #46	6+	west tower tip through trees east tower not visible	0.17/southwest
Carter Street, natural gas ROW	7	west tower visible 25 feet east tower not visible	0.15/southwest
Route 123 at Old Norwalk Road	8	not visible	0.4/southwest
Old Poconock Trail at Old Norwalk Road	9	not visible	0.1 northwest
Poconock Trail, adjacent to #178	10	not visible	0.2/northwest
Klim Lane	11	not visible	0.16/north
Fullmar Lane, adjacent to #19	12	visible through trees	0.2/east
Merritt Parkway Interchange 38 northbound ramp	13	not visible	0.18/southeast

*Map is attached as Figure 8.

+ Photosimulations of facility from these locations on the map are attached as Figures 9, 10, 11, 12. (AT&T 1, Tab 5 Attachments A & B)

105. Approximately four residences within two miles of the site would have year-round views of the facility: two on Carter Street, 0.1 mile west of the site and two on New Canaan Way, 0.3 miles south of the site. (AT&T 1, Tab 5 p. 6; AT&T 4, response 15)
106. Approximately 23 residences within two miles of the site would have leaf-off views of the tower through the trees. All of these residences are within a half-mile of the site, including five residences that abut the site to the north and west. (AT&T 1, Tab 5 p. 6, Tr. 1, pp. 57-58)
107. The tower would not be visible from any known hiking trails maintained by the DEEP or the Connecticut Forest and Parks Association. (AT&T 1, Tab 5 p. 3, Attachment B; Council Administrative Notice 54)

108. The proposed west tower would be visible for approximately 300 feet from the northbound side of the Merritt Parkway in the area of Interchange 38. The views would not be in front of the viewer but rather off to the side. The east tower would be visible through the trees during leaf-off conditions. (AT&T 1, Tab 5 p. 5; AT&T 4, response 16)

109. In their consideration of this project, SHPO required that the tower be painted to match adjacent materials. AT&T intends to paint the towers brown. Although AT&T would be willing to paint the monopoles to resemble brick chimneys to match the existing building on the site, AT&T would first consult with the SHPO to ensure this treatment is acceptable. (AT&T Administrative Notice Item No. 1; AT&T 1, Tab 5; Tr. 3, pp. 153-155)



Figure 1: Site Location at National Guard Armory, 284 New Canaan Avenue, Norwalk.
(AT&T 1, Tab 3)

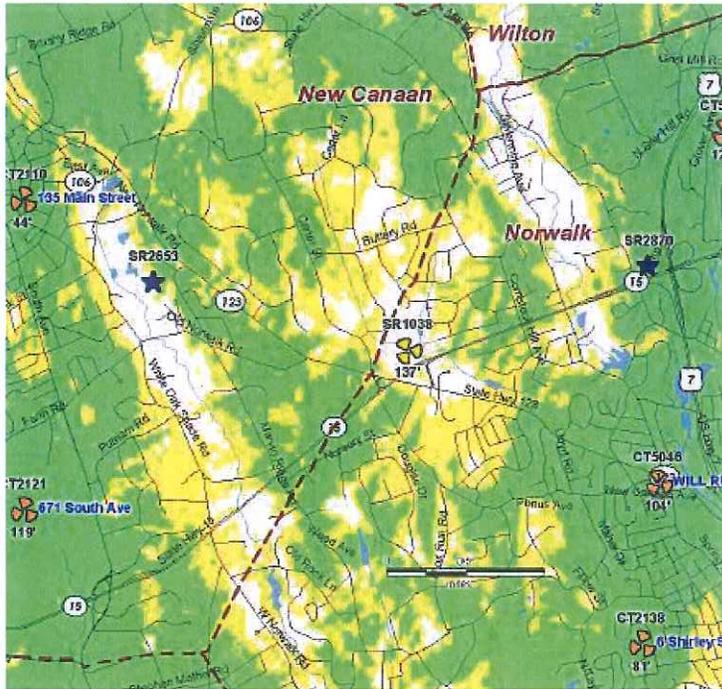


Figure 2: AT&T - Existing coverage (850 MHz). SR 1038 is proposed site location. SR2653 and SR2870 are active search rings to serve remaining gaps. (AT&T 1, Tab 1)

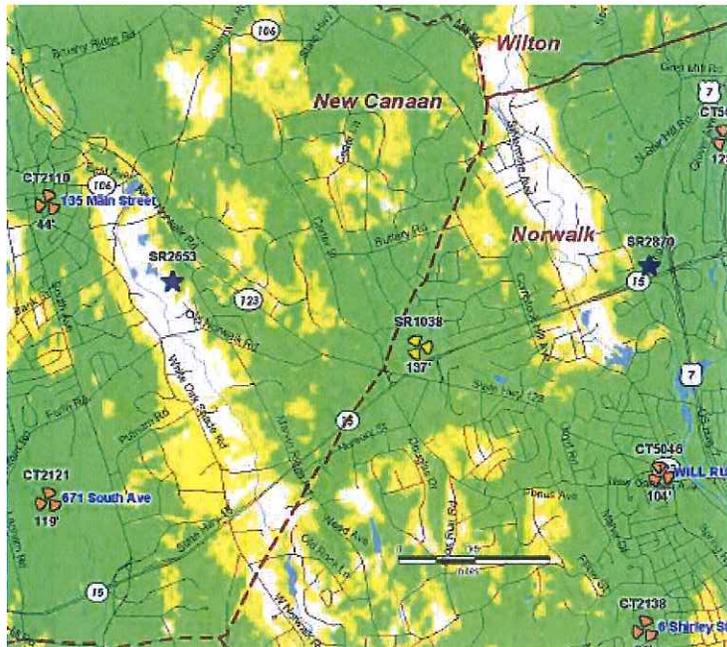
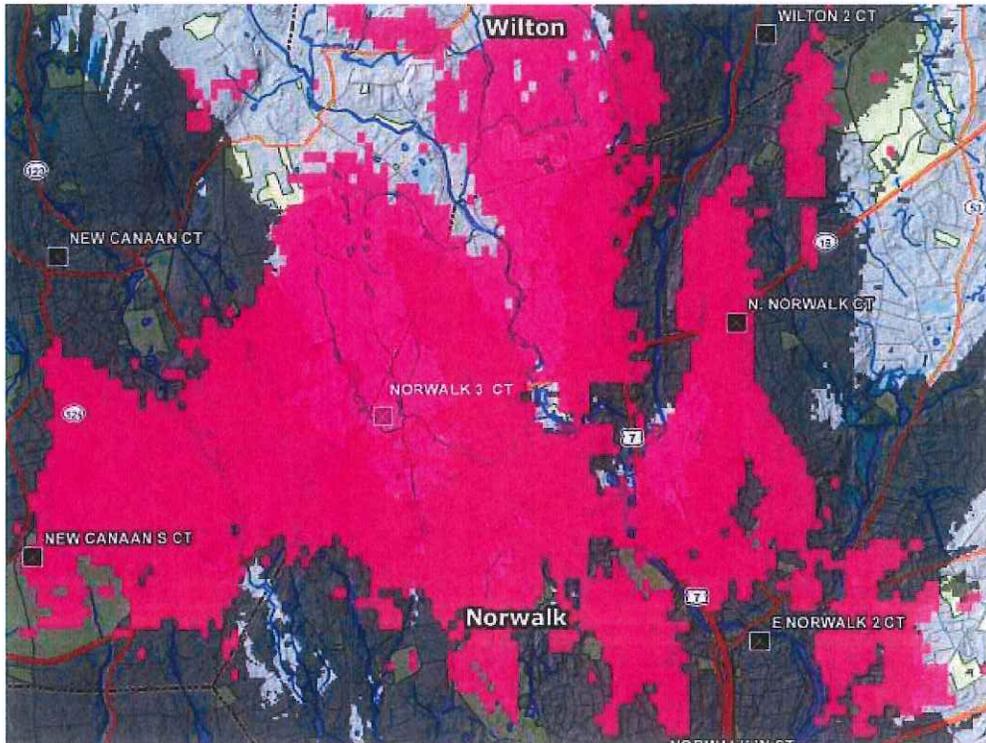


Figure 3: AT&T - Existing and proposed coverage (850 MHz). SR 1038 is proposed site location. SR2653 and SR2870 are active search rings to serve remaining gaps. (AT&T 1, Tab 1)



Legend

-  Proposed Norwalk 3 Facility
-  Surrounding Verizon Wireless Facilities
-  Verizon Wireless LTE Coverage from Proposed Norwalk 3 Facility
-  Verizon Wireless Existing LTE Coverage from Surrounding Facilities

Figure 4 & 5: Cellco - Existing and proposed 700 MHz coverage. Norwalk 3 CT, a Cellco designation, is the location of the proposed facility. (Cellco 2, Tab 3)

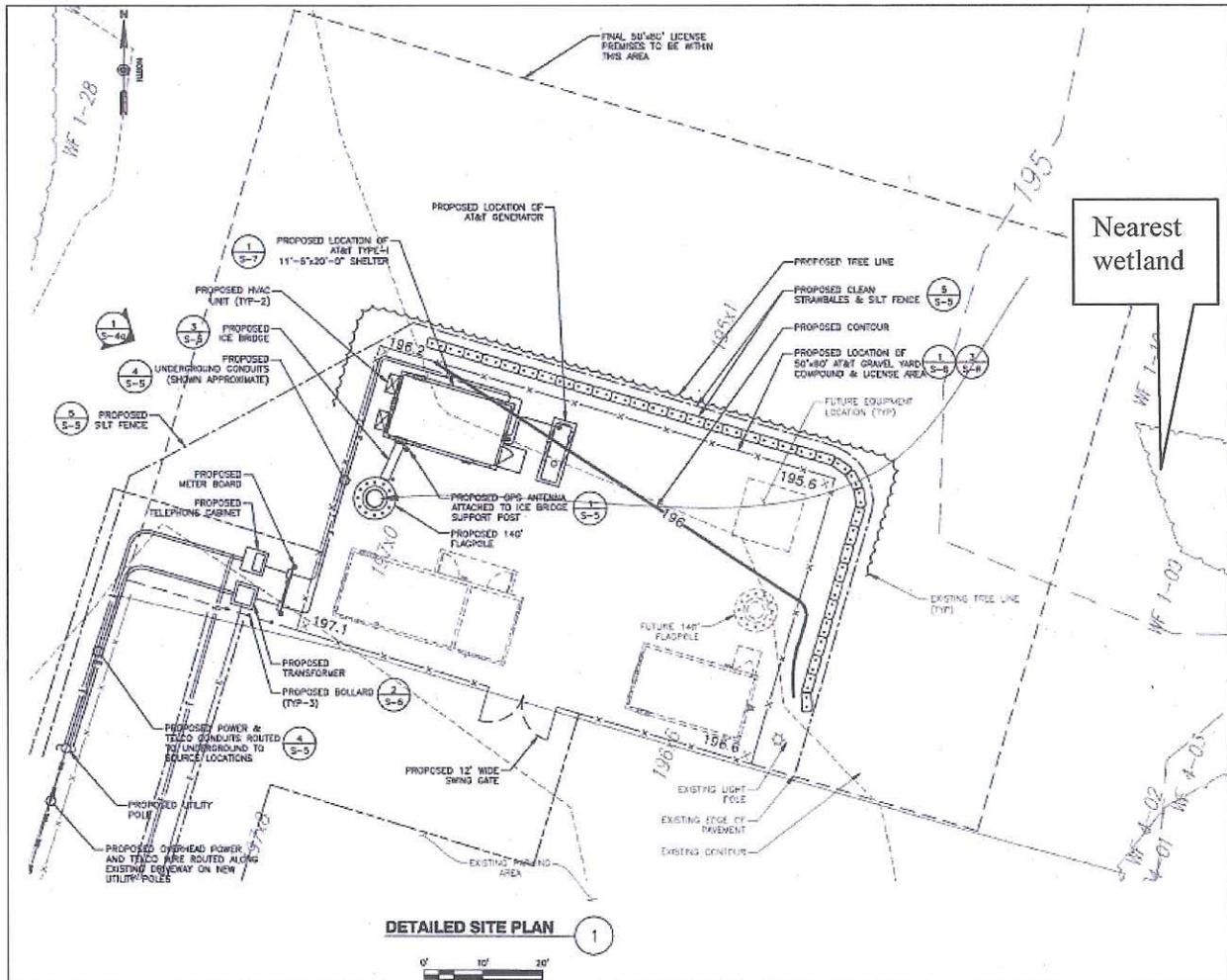


Figure 6: Proposed site plan. (AT&T 1, Tab 3)

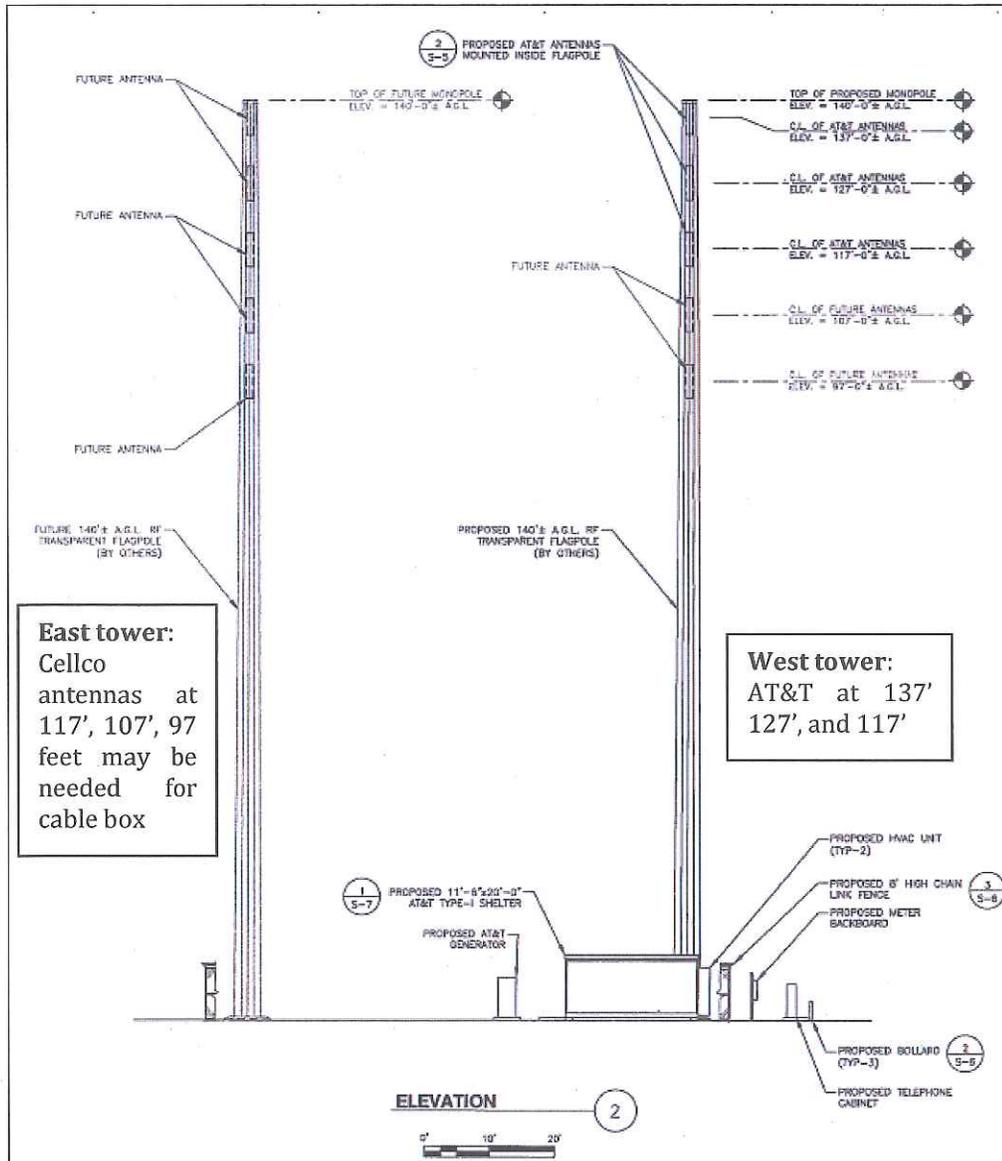
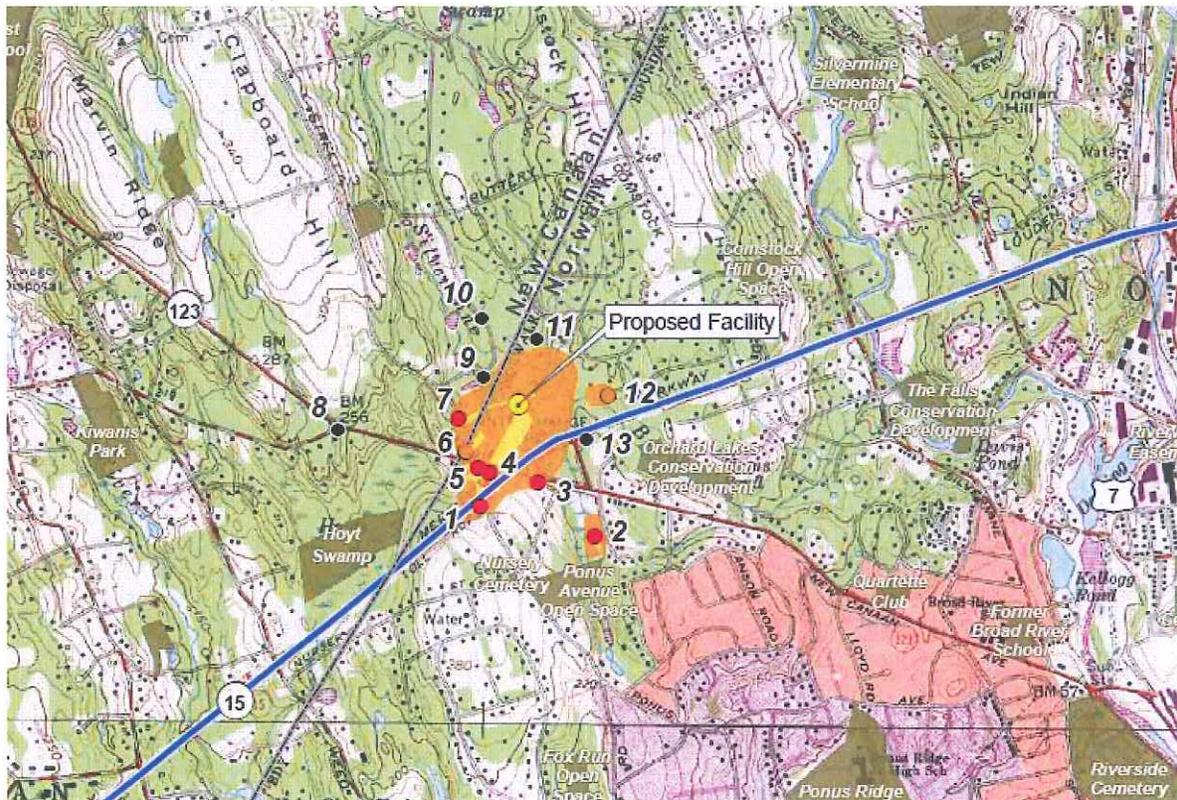


Figure 7: Proposed tower plan. (AT&T 1, Tab 3)

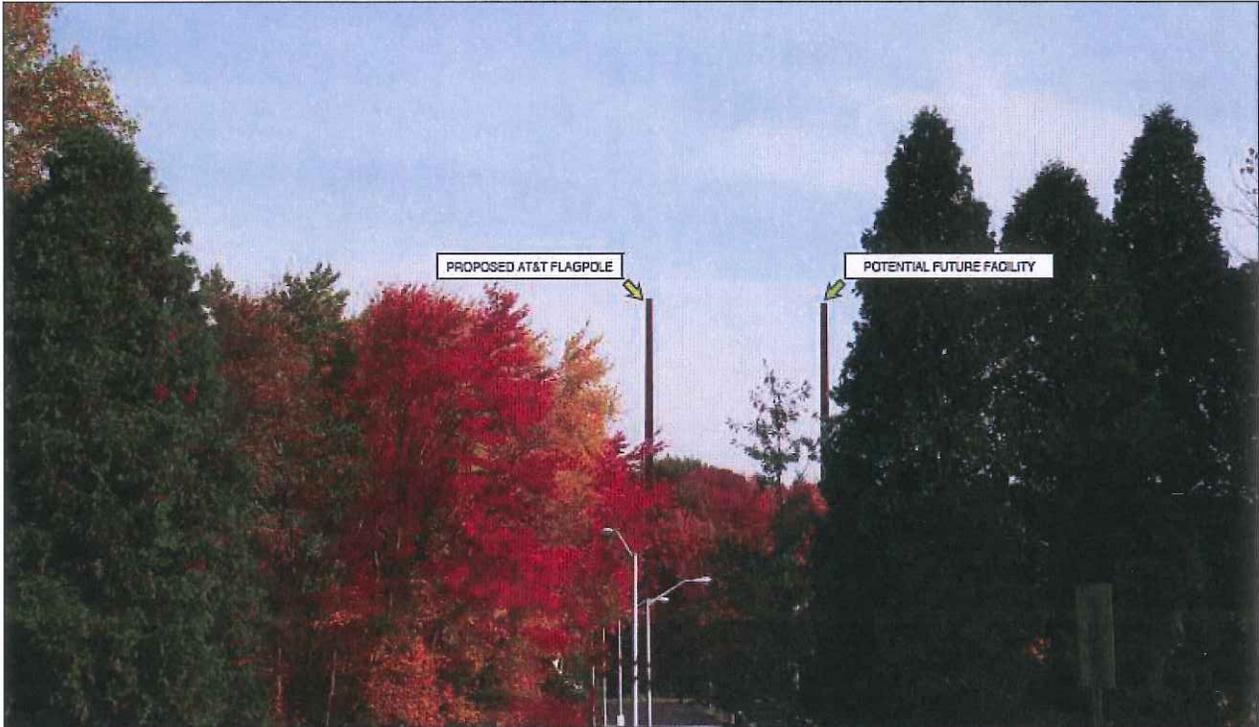


(no scale)



Figure 8: Projected visibility of the facility.
Photosimulations from map locations 1, 2, 5, 6 are attached as Figures 9, 10, 11, 12.

(AT&T 1, Tab 5)



VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5	NEW CANAAN AVENUE (ROUTE 123) ACROSS FROM EXISTING DRIVE TO HOST PROPERTY	NORTHEAST	0.18 MILE +/-	YEAR-ROUND



VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
1	ROUTE 15 (MERRITT PARKWAY) SOUTH OF INTERCHANGE 38 (potential future facility would not be visible from this location during "leaf-on" conditions)	NORTHEAST	0.25 MILE +/-	YEAR-ROUND

Figures 9 (top) & 10 (bottom)



VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
2	ADJACENT TO #7 NEW CANAAN WAY	NORTHWEST	0.36 MILE +/-	YEAR-ROUND



VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
6	ADJACENT TO #46 CARTER STREET	NORTHEAST	0.17 MILE +/-	SEASONAL

Figures 11 (top) & 12 (bottom)

<p>DOCKET NO. 442 – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 284 New Canaan Avenue, Norwalk, Connecticut.</p>	<p>} Connecticut } Siting } Council } May 29, 2014</p>
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Opinion

On September 23, 2013, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility located at 284 New Canaan Avenue in the City of Norwalk, Connecticut. The property on which the proposed facility would be located is owned by the State of Connecticut and is used as the Connecticut National Guard Armory. AT&T's objective in locating a facility at this location is to provide coverage to the Route 15 (Merritt Parkway) area of Norwalk and New Canaan. Cellco Partnership d/b/a Verizon Wireless (Cellco) participated as an intervenor in this proceeding to demonstrate a need for this facility.

The Connecticut National Guard Armory property is an 11.5-acre parcel located on the north side of the Merritt Parkway at the Exit 38 interchange. The property is partially developed with several buildings and associated parking areas, generally on the south half of the property. The remainder of the property consists of woodland and wooded wetlands.

AT&T would lease a 50-foot by 80-foot area in a maintained lawn area at the north edge of the parking lot. Within its lease area, AT&T would construct two 140-foot monopoles within a 50-foot by 80-foot fenced compound. The towers would be located approximately 60 feet apart with all panel antennas and associated tower-mounted equipment located behind an RF transparent casing. The casing would be uniform in appearance with no protrusions. The top of the monopoles would be able to accommodate whip antennas which are typically used for emergency communications; however, to date, no emergency service entity has expressed interest in this site.

Each monopole would be designed to accommodate three panel antennas at five tower levels. AT&T would install three panel antennas at both the 137-foot and 127-foot levels of the west monopole. AT&T would also utilize the 117-foot level for tower-mounted amplifiers, leaving two additional tower levels for future collocation at 107 and 97 feet. Cellco proposes to install three panel antennas at both the 117-foot and 107-foot levels of the east monopole, leaving the 137-foot, 127-foot and 97-foot levels of the tower available for possible future collocation by other telecommunication carriers. Cellco would require a tower with an outer diameter of 56 inches to fit their remote radio heads and a related cable box at these levels. A tower with an outer diameter of less than 56 inches would cause Cellco to require a third tower level at 97 feet to fit their cable box.

The proposed facility would be accessible over existing driveways and parking areas on the property. The compound access gate would open directly into the existing parking lot. The interior compound area would be surfaced with gravel. Utility service to the compound would be installed overhead from New Canaan Avenue using five new wood poles along the edge of the property driveway. The utility line would transition to underground approximately 100 feet from the compound.

The lease agreement between the Connecticut National Guard (Licensor) and AT&T contains an Emergency Generator Rider that grants AT&T the right to install a 50-kilowatt supplemental generator to provide emergency electrical capacity to its equipment during the license term. AT&T's right to install the generator is subject to the Licensor's approval. Both AT&T and Cellco would install their own 50 kW diesel emergency power generators within the compound.

The proposed two-tower facility would be visible year-round above the tree canopy from approximately 7.6 acres within a two-mile radius of the proposed site, with most visibility occurring from spot areas within a quarter-mile of the site. Approximately four homes within a quarter-mile would have year-round views of portions of the facility. Another 22 residences within a half-mile of the site would have leaf-off views of portions of the facility. Seasonal and year-round views would be mitigated to some extent by the proposed brown finish on the monopoles, helping the facility to blend into the wooded canopy that is prevalent throughout the area. Views from the Merritt Parkway would be limited, with the west tower visible for approximately 300 feet from the northbound side of the Merritt Parkway in the area of Interchange 38, and with both towers visible from the Exit 38 southbound exit ramp.

Development of the site would require the trimming of some trees along the north edge of the compound. A few diseased or dead trees along the woodland edge would be removed to prevent tree-fall impacts to the site. Previously disturbed wetlands are located north, east and west of the site. Once constructed the compound would be approximately 52-54 feet from the closest wetland edge. During construction, site disturbance could come as close as 42 feet to the wetland edge and within the City of Norwalk's 50-foot wetland buffer. AT&T would examine ways to reduce disturbance to the buffer areas as part of their Development and Management Plan submittal. A review of the DEEP Natural Diversity Database indicates there are no records of state or federal endangered, threatened, or species of special concern in the project area.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the worst-case combined radio frequency power density levels of the proposed AT&T and Cellco on the proposed tower have been calculated to amount to 19.8 percent of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Regarding potential harm to wildlife from radio emission; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

After reviewing the record in this proceeding, the Council concludes that there is a need for wireless coverage and capacity relief in these areas of Norwalk and New Canaan, and that it would be served by the proposed facility. Since 1999, AT&T has searched for a site to provide coverage in this area, but given more recent technological advancements and the gradual transition of service priorities from voice to data, the site now proposed is needed to provide both coverage and capacity, relieving stress on adjacent AT&T sites. The fact that Cellco also seeks to locate on this tower further demonstrates the need for this site.

Having determined need, the Council now must consider the facility's design, which has had a long, complicated history occasioning considerable debate. After several preliminary searches by AT&T, the City of Norwalk proposed the Armory property as a potential location for a facility, RF engineers concluded the site was viable, AT&T secured a lease and began its environmental due diligence with a NEPA review, as mandated by the FCC. Under the NEPA process, site plans, including tower design, were submitted to SHPO for comment in 2003. Since the proposed site is adjacent to the Merritt Parkway, designated as a National Scenic Byway and listed on the National Register of Historic Places, SHPO was concerned about the project's visibility, and in December 2003 found the project as then proposed—a 150-foot monopole with externally-mounted antennas—would have an adverse effect on the Merritt Parkway. SHPO's design priority, apparently shared with the Merritt Parkway Conservancy, a citizens advisory group with whom SHPO consulted privately, was that the antennas should be concealed. There the matter rested for several years until AT&T redesigned the facility, based on SHPO's priority, to consist of two monopoles, each 140 feet high, with antennas mounted internally, and eventually, on April 7, 2013, SHPO issued a new letter, this time finding no adverse effect.

Next, AT&T submitted an application containing the two-tower design to the Council for approval. Having received the application on September 23, 2013, the Council has been hard-put to reconcile its own statutory mandate for collocation, which involves balancing environmental concerns against the unnecessary proliferation of towers, increased costs, and other inefficiencies, with SHPO's new determination. From the Council's point of view, the needs of AT&T, Cellco, and even other carriers who might want to collocate in the future could be met by a single tower. The height might vary depending on whether the antennas are to be mounted outside or inside, but in either case the visual impact of a single tower would be less than that of two—first, since any height difference would be insignificant, by FCC standards; and second, since the technical specifications for antennas and ancillary equipment are rapidly increasing the girth of towers with antennas mounted inside.

On January 23, 2014, the Council expressed these concerns and voted to reopen the evidentiary record for this docket to obtain more information from SHPO. On February 10, 2014, the Council Chair and Acting Executive Director held a meeting with SHPO to discuss various aspects of the SHPO review process for telecommunications sites, including this tower. AT&T also met with SHPO on March 20, 2014 to discuss the possibility of a single 130-foot monopole with platform-mounted antennas at this site, given the limited visibility of such a structure. The matter concluded when SHPO issued a letter to AT&T on March 27, 2014 reaffirming their 2010 determination that a tower with platform-mounted antennas would have an adverse impact on the Merritt Parkway, and further, that two 140-foot monopoles with internally-mounted antennas, painted to match adjacent materials, would not have an adverse effect. The Council acknowledges the special sensitivity of the Merritt Parkway as a scenic resource and SHPO's jurisdiction under NEPA, while noting that the extended duration of AT&T's federal and state applications, normally coordinated, seems to have caused divergence in this case.

Continuing to be ambivalent about the prospect of having two towers at this location, the Council nevertheless finds the two-tower design necessary to provide needed services to the area even though the two-tower design is aesthetically and technologically inferior to that of a traditional monopole. The proposed site is conducive for siting a telecommunications facility given its location on a relatively large parcel and the generally wooded nature of the surrounding area. The nearby buildings, adjacent woods, and the Merritt Parkway itself serve as a buffer to residences in the vicinity. The Council will order that the outer diameter of the monopoles not exceed 56 inches, a sufficient width to accommodate the antennas and related equipment of AT&T and Cellco.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of the proposed telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of the proposed telecommunications facility at 284 New Canaan Avenue, Norwalk, Connecticut.

DOCKET NO. 442 – New Cingular Wireless PCS, LLC } Connecticut
application for a Certificate of Environmental Compatibility and } Siting
Public Need for the construction, maintenance, and operation of a } Council
telecommunications facility located at 284 New Canaan Avenue, }
Norwalk, Connecticut. }
May 29, 2014

Decision and Order

Pursuant to Connecticut General Statutes §16-50p and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to New Cingular Wireless PCS LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility located at 284 New Canaan Avenue, Norwalk, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The telecommunications facility shall be constructed as two monopoles, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of New Cingular Wireless PCS LLC, Cellco Partnership d/b/a Verizon Wireless and other entities, both public and private, but each tower comprising the facility shall not exceed a height of 140 feet above ground level. All panel antennas shall be mounted in a flush-mount configuration, concealed behind a radio-frequency transparent casing of uniform appearance. The outer diameter of the monopoles and related transparent casing shall be no greater than necessary to accommodate the antennas and related equipment of New Cingular Wireless PCS LLC and Verizon Wireless, but shall not exceed 56 inches.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of New Canaan and the City of Norwalk for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the facility, facility foundation, antennas, equipment compound, radio equipment, compound access, utility line, emergency backup generator and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
 - c) provisions to reduce the amount of disturbance to the buffer zone associated with the wetlands east and west of the facility compound.

3. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
7. Any request for extension of the time period referred to in Condition 6 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the City of Norwalk and the Town of New Canaan. Any proposed modifications to this Decision and Order shall likewise be so served.
8. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
9. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
10. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
11. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.

12. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
13. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the towers, tower foundations, antennas, equipment compound, radio equipment, site access, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
14. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.
15. This Certificate may be surrendered by the Certificate Holder upon written notification and approval by the Council.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated November 14, 2013, and notice of issuance published in the Norwalk Hour and the New Canaan Advertiser.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 442** – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 284 New Canaan Avenue, Norwalk, Connecticut, and voted as follows to approve the proposed facility:

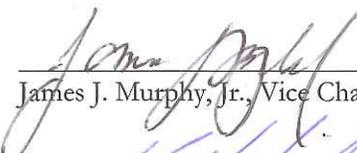
Council Members

Vote Cast



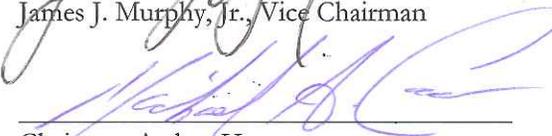
Robert Stein, Chairman

Yes



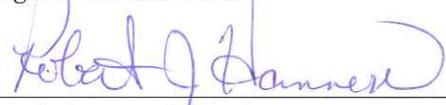
James J. Murphy, Jr., Vice Chairman

Yes



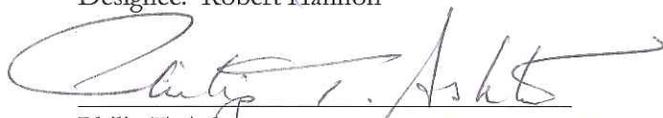
Chairman Arthur House
Designee: Michael Caron

Yes



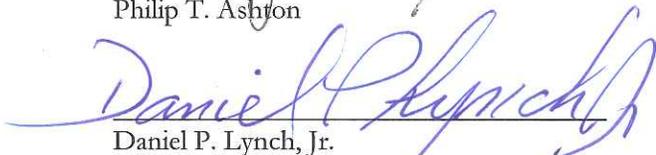
Commissioner Robert Klee
Designee: Robert Hannon

Yes



Philip T. Ashton

Yes

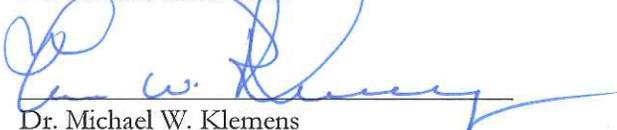


Daniel P. Lynch, Jr.

Yes

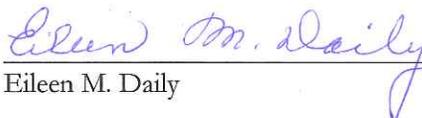
Dr. Barbara Currier Bell

Absent



Dr. Michael W. Klemens

Yes



Eileen M. Daily

Yes

Dated at New Britain, Connecticut, May 29, 2014.